

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 22-CR-318-JFH-SH

SHEAMIAH KRYSTIN ATKINS,

Defendant.

OPINION AND ORDER

Before the Court is an unopposed motion for leave to dismiss count II (“Motion”) filed by the United States of America (“Government”). Dkt. No. 64. The Government requests leave to dismiss the remaining count of the indictment [Dkt. No. 20] without prejudice as to Defendant Sheamiah Krystin Atkins (“Defendant”). *Id.*

Under Fed. R. Crim. P. 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). The Court concludes that dismissal of the charge against Defendant is not contrary to the public interest, nor is it for an improper purpose. The Government’s motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Government’s unopposed motion for leave to dismiss count II [Dkt. No. 64] is GRANTED and count two of the indictment [Dkt. No. 20] is dismissed without prejudice as to Defendant.

Following the consent of Defendant to proceed before a magistrate judge on misdemeanor counts and sentencing having been held, the remaining felony count is hereby dismissed and the Clerk is directed to terminate the district judge from the case assignment. The case number is hereby changed to 22-CR-318-SH and all future pleadings should be marked accordingly.

Dated this 27th day of February 2023.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE